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4                   UNITED STATES DISTRICT COURT  
5                   WESTERN DISTRICT OF WASHINGTON  
6                   AT SEATTLE

7                   DAVID BAGBY,

8                   Petitioner,

v.

9                   JEFFREY A UTTECHT

10                  Respondent.

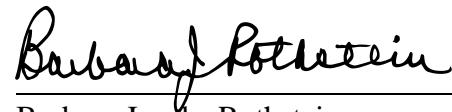
11                  No. 3:20-CV-5988-BJR-DWC

12                  **ORDER ADOPTING REPORT AND**  
13                  **RECOMMENDATION**

14                  The Court, having reviewed the Report and Recommendation of Magistrate Judge David  
15                  W. Christel, the record of this case, and no objections having been filed, does hereby find and  
16                  ORDER:

- 17                  (1)       The Court adopts the Report and Recommendation.  
18                  (2)       Petitioner's federal habeas Petition is dismissed without prejudice.  
19                  (3)       A certificate of appealability is denied in this case.  
20                  (4)       The Clerk is directed to send copies of this Order to Petitioner, counsel for  
21                  Respondent, and to the Hon. David W. Christel.

22                  DATED this 3rd day of March, 2021.

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24                  \_\_\_\_\_  
25                  Barbara Jacobs Rothstein  
26                  U.S. District Court Judge